

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL NO. 3:98CV220

| | | |
|--|---|---------------------|
| VONNIE K. AGNER, et al., |) | |
| |) | |
| This document pertains to: |) | |
| |) | |
| DONNA RAE BOGER, Individually and as |) | |
| Executor of the Estate of John Robert |) | |
| Boger, Sr., Deceased, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | <u>ORDER</u> |
| |) | |
| DANIEL INTERNATIONAL |) | |
| CORPORATION, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

THIS MATTER is before the Court on motion of the captioned Plaintiff to be substituted for the deceased Plaintiff John Robert Boger, Sr. The Defendant has no objection to the relief sought.

On review of the motion, it appears to the Court that Donna Rae Boger has been duly qualified, appointed and acting as Executor of the estate of Plaintiff John Robert Boger, Sr., and that the nature of this action is such that the cause of action survives the death of the named Plaintiff.

IT IS, THEREFORE, ORDERED that the Plaintiff's motion is **ALLOWED**, and Donna Rae Boger, Executor of the Estate of John Robert Boger, Sr., deceased, is hereby substituted as Plaintiff for John Robert Boger, Sr., and that the substitution shall be hereafter shown in the title to this action.

Signed: March 11, 2008

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

